

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, and Vap present, Commissioners Rod Johnson and Landis Excused.

GENERAL ADMINISTRATION

Notice was duly published January 4, 2005, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 11, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to re-elect Commissioner Vap as the Commission Chairman. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to re-elect Commissioner Rod Johnson as the Commission Vice Chairman. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

Attention was called to the following proceedings:

Wednesday, January 12, 2005:

- 9:30 Combined Video Hearing. Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. Commissioner Boyle presiding as Hearing Officer.
- B-1618 In the Matter of Royal Limousine, Inc., Omaha, seeking to extend its authority in the transportation of passengers and their baggage by limousine between points in Dodge and Saunders counties between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. SUPP. 1: Transportation of passengers by luxury limousine between points in Colfax, Platte, Butler, Douglas, Cuming, Burt, Washington and Lancaster counties over irregular routes. SUPP. 2: Transportation of passengers by luxury limousine between points in Sarpy, Cass, Otoe, Seward, Stanton and Madison counties, and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: Restricted against the transportation of passengers by vans. To extend the authority by the addition of buses and vans, and to amend the authority by the deletion of the restriction against the use of vans.

GENERAL ADMINISTRATION (Cont.)

Wednesday, January 12, 2005 (Cont.):

B-1577 In the Matter of Laidback Limousine, Inc., Omaha, seeking to extend its authority in the transportation of passengers and their baggage by limousine between points in Douglas, Sarpy, and Lancaster counties over irregular routes.
RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Thursday, January 13, 2005:

12:30 Commission Hearing Room, Lincoln.
Telecommunications Relay Service Advisory Board Meeting.

Friday, January 14, 2005:

C-3273 Commission Hearing Room, Lincoln. Planning Conference.
10:00 In the Matter of VCI Company, d/b/a Vilair Communication Inc., Lakewood, Washington, seeking a Certificate of Public Convenience and Necessity as a local competitive exchange carrier in Nebraska and seeking designation as an eligible telecommunications carrier. The telephone conference bridge number is 402-472-6290. Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

DC-68 In the Matter of Maurice Gene Hand, Director, Communications Department, versus OnStar Corporation and TracFone Wireless, Inc. for failure to register with the Wireless Registry. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

C-3033 In the Matter of HunTel CableVision, Inc., d/b/a HunTel Communications (HunTel), Blair, seeking to be granted Universal Service Eligible Telecommunications Carrier status in Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3051 In the Matter of Three River Communications, LLC, Lynch, seeking designation as an eligible Telecommunications carrier that may receive universal service support: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

C-3204 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of an amendment to its Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in all exchanges within the State of Nebraska in which Sprint is not currently certificated. Commissioner Landis presiding as Hearing Officer: Gene Hand informed the Commission that post hearing comments had been received from the parties. A Motion for Leave to Include Late-Filed Exhibits was received from Southeast Nebraska Telephone Company. An oral argument was scheduled for January 14, 2005, at 2:00 p.m., in the Commission Hearing Room. The telephone conference bridge number is 402-472-6292.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order awarding grants. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

C-3305 In the Matter of MCI, Inc., Atlanta, Georgia, seeking cancellation of Certificates of Public Convenience and Necessity to provide local exchange and interexchange telecommunication services and withdrawal of tariffs: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter a clarifying order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

C-3311 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its 252(i) adoption of the agreement previously approved in Application C-3095 and of its Triennial Review Order and USTA II Decision Amendment to the Interconnection Agreement with Global Connection of America, d/b/a GCIA, Atlanta, Georgia: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3314 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Special Promotion Amendment for Available Inventory Collocation Sites with Cox Nebraska Telcom, LLC, previously approved in Application C-1473: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

C-3315 In the Matter of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, seeking approval of an Interconnection and Traffic Agreement for Commercial Mobile Radio Services with United States Cellular Corporation, Chicago, Illinois: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

C-3317 In the Matter of Alltel Communications Service Corporation, Little Rock, Arkansas, seeking approval of its Commercial Mobile Radio Services Interconnection Agreement with U.S. Cellular Corporation, Chicago, Illinois: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

C-3327 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" for Adams, Clay, Nuckolls and Webster Counties to gain access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting. Commissioner Rod Johnson presiding as Hearing Officer.

Gene Hand gave a report regarding the work of the National Association of Regulatory Utility Commissioners (NARUC) Intercarrier Compensation Task Force and the Straw Man proposal. There will be another workshop on January 25 and 26, 2005, and possibly another in February at the NARUC winter meetings in Washington, DC.

Gene Hand reported that 92 people registered for the High-Speed Internet connection demonstration co-sponsored by the Commission held Saturday, January 8, 2005, at Southeast Community College.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that Hamilton Relay, Inc., Aurora, was awarded the Relay Service Contract for Iowa and began processing Iowa relay calls on January 1, 2005.

Gene Hand informed the Commission that Alltel agreed to purchase Western Wireless for \$4.4 billion plus assumption of \$1.5 billion in debt and that Alltel's Wireline properties may be spun off in the future.

UNIVERSAL SERVICE FUND

NUSF-37.32 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Z-Tel Communications, Inc.: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NUSF-37.46 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Cogni-gen Networks, Inc., Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NUSF-37.47 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. MCI WorldCom Network Services, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NUSF-37.48 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Budget Phone, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

UNIVERSAL SERVICE FUND

NUSF-37.51 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Business Options, Inc.: Jeff Pursley discussed receiving a request from Business Options to settle this complaint for an amount less than what is owed. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to deny Business Options' request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

Jeff Pursley discussed the Late-Filed Carrier Remittances: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to assess a late fee against One Call Communications, open complaints against TON Services, Inc. and Z-Tel Communications and that the request from Charter-Fiberlink to abate late fees and penalties be denied and a complaint be opened. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NUSF-1 In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for the administration of the Nebraska Universal Service Fund: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant the requests for extension to complete the NUSF-EARN audits from Hooper Telephone and Citizens Telecommunications Company of Nebraska. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NUSF-32 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Orders, and at its own discretion, impose administrative fines against the named defendants: Jeff Pursley discussed the wording of the engagement letters regarding the yearly NUSF Remittance Worksheet audits. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to accept the NUSF Remittance Worksheet audit engagement letters for Nebraska Technology and Telecommunications and ATS Mobile Telephone. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

E911 DEPARTMENT

911-07.1 In the Matter of the Commission, on its own motion, seeking to provide for and fund intertandem trunking across the State of Nebraska for use in provision of wireless enhanced 911 service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

PSAP-019.1 In the Matter of Kearney County, Minden, seeking funding approval for recurring and non-recurring costs of enhanced wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

PSAP-037 In the Matter of Cass County, Plattsmouth, seeking funding approval for recurring and non-recurring costs of enhanced wireless E911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

PSAP-040 In the Matter of Boone County, Albion, seeking funding approval for recurring and non-recurring costs of enhanced wireless E911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

Kara Thielen informed the Commission that the E911 Advisory Board Meeting will be held in the Commission Library on February 25, 2005, at 1:00 p.m.

Kara Thielen informed the Commission that a Workshop was scheduled regarding the implementation of Phase II in the State of Nebraska for February 8, 2005, from 1:30 p.m. to 4:30 p.m.

LEGISLATIVE REPORT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to make a recommendation to the Legislature to increase the wireless E911 surcharge cap to \$1.50. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter a progression order of assessment. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to promulgate Title 291, Chapter 8, Grain Warehouse and #158 Grain Dealer Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 723 [2003]: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order seeking comments on the proposed rules as well as schedule a hearing for March 1, 2005 at 2:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting. Commissioner Jerry Vap presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1621 In the Matter of Phoenix Transportation, Inc., Omaha:
The video hearing previously scheduled for January 11, 2005, was continued to a date later to be determined.

Rate Division

BR-299 In the Matter of OMALINK, Inc., Lincoln, seeking authority to adjust its rates and charges: The hearing scheduled for January 21, 2005, was continued to a date later to be determined.

BR-300 In the Matter of MAVM Ventures, Inc., dba A & B Shuttle, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an Order to adjust rates and charges on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

PI-70 In the Matter of the Commission, on its own motion, seeking MR-1009 to initiate an investigation on range uniformity in the Official Intracity Household Goods Tariff 22, and to develop procedures for efficiently processing household goods mover tariff amendments: Mark Breiner informed the Commission that Attachment "A" of the Motor Carrier Tariffs was sent out on January 4, 2005.

TRANSPORTATION DEPARTMENT (Cont.)

TR-139 In the Matter of Servant Cab Company dba Yellow Cab Company and Checker Cab Company, Lincoln, seeking authority to adjust its rates and charges. Commissioner Landis presiding as Hearing Officer: A video hearing was scheduled for January 26, 2005, at 8:30 a.m. in the Commission Library, Lincoln and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 30 cents per mile and the taxi surcharge to 45 cents per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-244 In the Matter of Ely's, Inc., Guide Rock: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an Order approving verified inventory. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

GW-1599 In the Matter of Alvo Grain & Feed, Inc., Alvo: Gordon Ganz appeared before the Commission to discuss record keeping requirements. After Mr. Fecht provided background information, Mr. Ganz addressed the Commission and the matter was discussed.

Grain Dealer Division

GD-2867 In the Matter of Tinsley Grain, Inc., Neligh: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an Order dismissing complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

Moisture Meter Division

Upon agreement of all Commissioners present, approval was granted for the Grain Warehouse Department to destroy the 2004 unused Moisture Meter approval tags.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

GENERAL ADMINISTRATION (Cont.)

HHS Finance & Support	\$ 660.40
HHS Finance & Support	1,326.46
Thomson West	557.20
Voyager	562.71
Andy Pollock	170.00
Camelia Rogers	735.75

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	911.80
Alternative Hearing	1,387.00
Grand Island Hearing Aid Center Inc.	963.88
Hearing Aid Specialists, Inc.	443.00
Hearing Clinic Inc	765.00
Carl A. Johnson	2,081.95
K & D Communications	4,909.25
League of Human Dignity	184.95
McCook Pharmacy & Medical Supply	1,761.55
Professional Hearing Aid Services	1,649.55
R & J Enterprises	1,554.40
Sherard Hearing Aid Center	449.90
Teltex	458.30
Weitbrecht Communications	

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to go into closed session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting. The Commission went into closed session at 11:01 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting. The Commission returned to open session at 11:05 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve offering the E911 position to a qualified candidate and to open a position in the Communications Department. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson and Frank Landis Excused Not Voting.

The meeting adjourned at 11:06 a.m. with Commissioners Boyle, Lowell Johnson, and Vap present, Commissioners Rod Johnson and Landis Excused. The next regularly scheduled meeting will be held on Wednesday, January 19, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 18, 2005.

Chairman

Executive Director